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THE

# PROCEEDINGS

At the Assizes holden at

# YORK.

the 24*th.* day of *July*, 1680. Before the

RIGHT HONOURABLE

Sir WILLIAM DOLBEN Kt.

One of the Justices of the Court of Kings Bench

AND

Sir EDWARD ATKYNS Kt.

One of the BARONS of the Court of Exchequer, then Judges of Assize for the Northern Circuit, against several Prisoners then Indicted for the Horrid Popish Plot against the Life of the KING, and for Subversion of the Government and Protestant Religion.

With an Accompt at large of the Arraignment of Sir *Miles Stapleton* Baronet, and of the Tryal, Condemnation and Execution of *Mr. Thomas Thwing* for the same Plot.

*Published by Vertue of an order of the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled, made upon the* 9th. *day of* November, 1680.

*LONDON* Printed for *Thomas Simmons*, at the Princes-Arms in *Ludgate-street*, MDCLXXXI

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TO THE

# READER.

THE following Narrative comprising at large only the Evidence given against Mr. Thomas Thwing, and Mrs. Mary Prescicks, (who was tryed by the same Jury with him) it may be expected that some reason should be given why the tryals of the Lady Anne Tempest, (Daughter of Sir Thomas Gascoyne,) and of Mr. Charles Inglesby, who were tryed by other Juryes and acquitted, are not also published; and therefore to answer that expectation we shall say.

1. That the Evidence, though differing, and that materially in some circumstances, was in great part, especially in what related to the Prisoners defence the same that was given in Mr. Thwings tryal; and therefore that this Narrative might not be swelled to too great a bulk, the Evidence is not repeated so often here as it was upon the several tryals.

2. That English Protestants inclining rather to mercy than to Justice, and so not being forward curiously to examine or to censure a tenderness of proceeding in case of blood, it may be as acceptable (as necessary for the vindication of the Justice of the Nation) to give a particular accompt of the tryal of Mr. Thwing, who was executed.

And because the Papists do endeavour to disparage the Evidence of this most Hellish Plot by boasting that the Witnesses are such as have revolted from their Church, we shall take this occasion of relating the Evidence given

*ven of the Plot in general, upon the tryal of the Lady* Tempeſt *by one Captain* Baines, *who then owned himſelf to be a Roman Catholick, and declared that he intended to live and die ſo, but that he came in as a witneſs out of an abhorrence of the Plot. This Gentleman teſtified that the Lady* Tempeſt *diſcourſing with him at Sir* Thomas Gaſcoyne's *Houſe, in* 1677, *about his purpoſe of going to the* Indies, *diſſwaded him from it, by telling him that he might have a Commiſſion, and work enough in* England *ſhortly; that the Papiſts had reſolved the Deſtruction of the King, and that they declared him an Heretick, and that the Pope had excommunicated him, and therefore he was to be cut off.*

## *ERRATA.*

Pag. 3. line 11 laſt word read to for of. Pag. 5. line 17 for Prieſt read Papiſt. Pag. 12 line 25 read had a warrant. Pag. 20 line 11 for Servant read Senior. Whereever you meet with the word *Barnboro* read *Barnbow.*

THE

# TRYALS

OF

# Thomas Thwing

AND

# Mary Preſſicks,

FOR

## HIGH TREASON,

*At the Aſſizes begun at* YORK *the* 24th. *of* July, 1680.

THomas *Thwing* late of *Hewerth* in the County of *York* Clerk, and *Mary Preſſicks* wife of *Thomas Preſſicks* late of the Pariſh of *Barwick* in *Elmet*, Gent. ſtand indicted, for that they as falſe Traitors againſt the moſt illuſtrious, and moſt excellent Prince, King *Charles* the ſecond, that now is, their natural Lord; God before their eyes not having, nor their due Allegiance weighing, but by the inſtigation of the Devil being ſeduced and moved, the cordial Love, and true and natural Obedience, which true and faithful Subjects of our ſaid Soveraign Lord the King towards his ſaid Maje-

ſty ought to bear, altogether withdrawing and imagining, and with all their ſtrengths intending the Peace and common Tranquility of his Kingdom of *England* to diſturb, and his ſaid Majeſty, that now is, to Death and final Deſtruction to bring and put, and the true Worſhip of God in this Kingdom of *England*, eſtabliſht and uſed, to alter to the Superſtition of the Church of *Rome*, and war againſt his ſaid Majeſty in this Kingdom of *England* to move and raiſe, & the Government of this Kingdom of *England* to ſubvert, the 30*th.* day of *May* in the 31*th.* year of his Majeſties Reign, that now is, at the Pariſh of *Barwick* in *Elmet* aforeſaid, in the County aforeſaid, with divers other falſe Traitors to the Jurors unknown, did traiterouſly compaſs, imagine, and intend, and every of them did compaſs, imagine, & intend the Death and final Deſtruction of his ſaid Majeſty, and the ancient Government of this Realm of *England* to change alter and utterly ſubvert, and his ſaid Majeſty of the Crown and Rule of this Kingdom to depoſe and wholly to deprive, and the true Proteſtant Religion to extirpate, and to effect and accompliſh their ſaid wicked Treaſons and traiterous imaginations and purpoſes aforeſaid, the ſaid *Thomas Thwing*, and *Mary Preſſicks*, and other falſe Traitors to the Jurors unknown, the ſaid 30*th.* day of *May* in the 31*th.* year abovesaid, with force and arms at the Pariſh of *Barwick* in *Elmet* aforeſaid, adviſedly, deviliſhly, maliciouſly, and traiterouſly did aſſemble and gather themſelves together, and then and there did deviliſhly, adviſedly, maliciouſly, ſubtilely, and traiterouſly conſult and agree, and every of them did then and there traiterouſly

rouſly conſult and agree to bring to Death and final Deſtruction our ſaid Sovereign Lord the King, and to depoſe and deprive him of his Crown and Rule aforeſaid, and the Religion of the Church of *Rome* into this Kingdom to introduce and eſtabliſh, and the ſooner to fullfil and effect the ſaid wicked treaſons, and traiterous imaginations and purpoſes aforeſaid, the ſaid *Thomas Thwing* and *Mary Preſſicks*, and other falſe *Traitors* to the Jurors unknown, did then and there pay and expend, and every of them did then and there pay & expend divers ſums of mony of divers other *Traitors* to the Jurors unknown, to carry on the Treaſons aforeſaid, and then and there the ſaid *Thomas Thwing* and *Mary Preſſicks* did ſubſcribe, and either of them did ſubſcribe a certain Note in writing for the payment of divers Sums of mony, for making a contribution for compleating their traiterous purpoſes aforeſaid, againſt the Duty of their Allegiance, and againſt the Kings Peace, his Crown and Dignity, and alſo againſt the Statute in that caſe made and provided.

To this Indictment having pleaded Not Guilty, and put themſelves upon their Countrey for Trial.

Upon the *29th.* of *July*, Sir *Thomas Daniel* High Sheriff of the County having returned many Gentlemen for Jurors. The Tryal proceeded thus; After the Jury called, *Thomas Thwing* and *Mary Preſſicks*, being brought to the Bar.

*Clerk of Aſſize*. *Thomas Thwing*, hold up thy hand, *Mary Preſſicks*, hold up thy hand, (which being done.)

*Clerk of Aſſize*. This underſtand ye, that theſe Gentlemen that are now to be Sworn are returned by the Sheriff of this County, to paſs between our Soveraign Lord the King and you for your lives, therefore if you will

challenge any of them, you are to challenge them as they come to be Sworn, and before they be Sworn.

*Clerk of Assize.* Sir *David Fowles* Baronet.

*Thwing.* I challenge him, and so as they were called challenged these 25 Gentlemen following (*viz.*)

*John Eastoft*, Esq;
*William Bethel*, Esq;
*Townes Driffeild*, Esq;
*William Osbaldeston*, Esq;
*Marmaduke Trueman*, Gent.
*Robert Bell*, Gent.
*Thomas Fletcher*, Gent.
*Thomas Wood*, Gent.
*Thomas Faireside*, Gent.
*Roger Fretwel*, Gent.
*Simon Warrener*, Gent.
*Edward Carvil*, Gent.
*John Coates*, Gent.
*Hugh Savil*, Gent.
*Nivian Collins*, Gent.
*Thomas Green*, Gent.
*Nathaniel Elliotson*, Gent.
*Nathaniel Harrison*, Gent.
*John Tomlinson*, Gent.
*Thomas Riccaby*, Gent.
*John Ullithorne*, Gent.
*Thomas Hincks*, Gent.
*William Mastin*, Gent.
*George Ellis*, Gent.
*Thomas Whaley*, Gent.

In the calling of the Jury after severl challenges made and some of the Jury Sworn, *Thwing* spoke thus, My Lord, I shall willingly stand to other the Jury.

Mr. *Just. Dol.* What Jury?

*Thwing.* My Lady *Tempests* Jury.

Mr. *Just. Dol.* Oh your Servant, you either are very fooliſh, or take me to be so. The Jury being Sworn.

*Clerk of Assize.* Cryer count these.

Sir *George Cook*, Bar.
*Thomas Worsley*, Esq;
*William Caley*, Esq;
*Roger Lee*, Gent.
*John Dixon*, Gent.
*George Wray*, Gent.
*Henry Pinckney*, Gent.
*John Blackston*, Gent.
*William Hardcastle*. Gent.
*Nicholas Stone*, Gent.
*George Westerby*, Gent.
*Charles Tucker*, Gent.

*Cryer.* Twelve good men and true, stand together and hear your Evidence.

*Clerk of Assize. Thomas Thwing*, hold up thy hand, which

(which he did) *Mary Preſſicks*, hold up thy hand, (which ſhe did) Gentlemen, you of the Jury that are Sworn, look upon the Priſoners and hearken to their charge; you ſhall underſtand that they ſtand Indicted by the names of *Thomas Thwing, &c.* and *Mary Preſſicks, &c. Pro ut* in the Indictment; upon this Indictment they have been arrained and thereunto pleaded, Not guilty, and for their Tryal have put themſelves upon their Country, which Country you are, *&c.*

*Then Proclamation was made for Evidence, and the Indictment being opened and the Treaſons therein aggravated by the Kings Council. Mr. Baron* Atkyns *came into the Court to aſſiſt in the Tryal.*

*The Witneſſes were called,* Robert Bolron *was firſt Sworn.*

*Rob. Bolr.* My Lord, In the year, 1674. I came to live with Sir *Thomas Gaſcoyne* and was Steward of his Colepits, and in 1675. I turned Prieſt, and about *January*, 1676. Mr. *Thwing*, Father *Ruſhton*, and ſeveral others came to my houſe at *Shippon*, and did there examine me how I ſtood affected to the *Roman* Catholick Religion, and whether I was reſolved to venture my life and eſtate in it, if there were any occaſion, to which I agreed, and was reſolved to obey my Ghoſtly Father in all things.

*Juſt. Dol.* Taking Notice of a Gentleman near the Priſoners, demanded, what is that Gentleman? we are all beſet, he was one of the Jury Yeſterday. He being removed, *Bolron* proceeded: Father *Ruſhton* my Confeſſor gave me the Oath of ſecrecy, and in the year 1677, Sir *Thomas Gaſcoyne*, Sir *Miles Stapleton*, Mr. *Thwing*, the Priſoner, and ſeveral other perſons met at *Barnboro*-Hall, Sir *Thomas Gaſcoynes* Houſe, and there they agreed that in hopes the Plot of killing the King would take effect, they would erect a Nunnery, at *Dolebank*, but the real intention was to have it at *Heworth* (within a Mile of York) after the King was killed, and to avoid ſuſpition my Lady *Tempeſt* told them, ſhe would let them have *Broughton* for the preſent.

*Note that upon Sir* Thomas Gascoynes *Tryal it appeared in his* Almanack, *that he had made this memorial there with his own hand,* (viz.) *The 15th. of* April, 1676 *Memorand. acquaint Mr.* Thomas Thwing, *with the whole designe.*

It was there agreed that the King should be killed, and Mr. *Thwing* said, that if they missed this opportunity, they should never have the like again, and the effecting of it would be very beneficial to the Church of *Rome.*

Mr. *Baron Atkyns.* Repeat it in the same words.

*Bolr.* He said, if we miss this opportunity of killing the King, we shall never have the like again, and Mr. *Thwing* was to be the Confessor of the Nunnery for the present.

Mr. *Bar. Atkyns.* Where were these these words spoken?

*Bolr.* In the old Dineing room.

Mr. *Just. Dol.* Who were present?

*Bolr.* Sir *Miles Stapleton,* Sir *Thomas Gascoyne,* my Lady *Tempest,* Mr. *Thwing,* Mr. *Rushton* and some others.

Mr. *Just. Dol.* Was it agreed that the King should be killed?

*Bolr.* It was my Lord.

Mr. *Baron Atkyns.* Consider seriously, you speak in the presence of God, and of a great Assembly, and that a persons life is at stake, tell it again; what were the words?

Mr. *Bolr.* It was agreed that the King should be killed, and that it was for the good of the Catholick Religion, and I paid, 10 *l.* to Mr. *Rushton* in Mr. *Thwings* presence towards killing the King, and saw a List in Mr. *Rushtons* and Mr. *Thwings* hands, of the names of several that engaged for promoting the *Roman* Catholick Religion, which was to be by killing the King.

Mr. *Baron Atkyns.* Was it a List of those that were to kill the King?

*Bolr.* The List I saw was of money raised to kill the King.

Mr. *Baron Atkyns.* What was the title of that List?

*Bolr.* A List of the names of the Actors and contributers engaged in the design of promoting the *Roman* Catholick Religion, and also of establishing a Nunnery, which was raising money for the killing of the King, and besides the 10 *l.* I paid towards it, I paid 5 *l.* to have my Soul prayed for.

for. *Thwing* told me afterwards at my houſe, that in *York ſhire*, *Lancaſhire* and *Derbyſhire*, 30000, *l.* was raiſed for the killing of the King, and that the Liſt was ſent beyond-Sea.

Mr. *Juſt. Dol.* What can you ſay againſt the Woman?

Mr. *Bolr.* Mrs. *Preſſicks* told me, that in 1678 preſently after the Plot was diſcovered, ſhe being in *London* did hear a Woman cry after her ſtop the Papiſt, ſtop the Plotter, but ſhe got away, and afterwards durſt not appear publickly in *London*: I had diſcourſe with her at my houſe about the Plot, and ſhe told me, that Father *Harcourt* was her Confeſſor, and firſt engaged her in it, and that *Pickering* told her, that he was to have killed the King, and ſhe ſaid, ſhe was ſorry he did not do it, and that *Oates* and *Bedloe*, were two Rogues, and the Plot had not been diſcovered but for them, who were the cauſe of ſo much miſcheif. And ſhe further told me, that the Gun wherewith he was to have killed the King, was found with *Pickering*, and ſhe did believe that was the cauſe of his looſing his life; And ſhe ſaid, the King was an Aſſe and not fit to Govern, that what mony the Parliament gave him he ſpent on Whores and Concubines.

Mr. *Juſt. Dol.* Well, is this all you have againſt her?

*Bolr.* Yes, my Lord.

Mr. *Juſt. Dol.* He hath done, you may croſſe-examine him if you will.

*Thwing.* Who was at your houſe when I was there?

*Bolr.* Father *Ruſhton.*

*Thwing.* How often was I there?

*Bolr.* Several times, I know not how often.

*Thwing.* When was it you accuſed me firſt of the Plot?

*Bolr.* When I went to the Council; I accuſed him.

*Thwing.* He did not accuſe me of the Plot in ſeveral months.

Sir *Tho. Stringer.* Come Mr. *Mowbray* tell your knowledg.

Mowbray *was Sworn.*

Mr. *Mowb.* My Lord, what I have to ſay is only againſt M. *Thwing.* At an Aſſembly of divers Preiſts at *Barnboro*-Hall, amonſt the reſt, there were Father *Ruſhton* and Mr. *Thwing*, and there they determined to kill the King.

Mr. *Bar. Atkyns.* When was this?

Mr. *Mowb.* This was near *Michalmaſs*, 1676, and they declared it was not only lawful but meritorious to do it; They

alſo declared that *London* and *York* were to be fired, and that force was to be made uſe of againſt the King, and all other Hereticks, that ſhould oppoſe the advancement of their Religion; and Mr. *Thwing* and *Ruſhton* declared the King was an Heretick, and excommunicated by the Pope, and had not kept his promiſe with the Jeſuites to bring in their Religion, and therefore deſerved to be killed, and it was not only lawful but meritorious ſo to do.

Mr. *Belwood* of Council for the King. Was there not a Liſt?

Mr. *Mowb.* Yes, a Liſt of thoſe engaged in the deſign of killing the King, and of promoting the Catholick Religion, and it was declared the King ſhould be killed, becauſe he had not kept his promiſe made to the Jeſuites, when he was beyond Sea.

Mr. *Juſt. Dol.* Did the Priſoner declare it?

Mr. *Mowb.* Mr. *Thwing* declared it, and *Ruſhton* and he managed it.

*Thwing.* Who was there?

*Mowb.* It was at Father *Ruſhtons* Chamber, that I ſaw you, and there was another *Thwing* there, and alſo *Addiſon* a Prieſt.

*Thwing.* I went once or twice a year to Sir *Thomas Gaſcoynes* and thought it my duty to wait on him, and that I might without offence do it, he being my Unkle.

Mr. *Juſt. Dol.* No, the offence is Plotting.

Sir *Tho. Stringer.* Mr. *Thwing*, do you know *Ruſhton*?

*Thwing.* Yes, but I had no great acquaintance with him.

Sir *Tho. Stringer.* Mr. *Mowbray*, how came you to be entruſted in ſo great a buſineſs?

Mr. *Mowb.* I aſſiſted Father *Ruſhton* at the Alter at Maſs, and ſo came into great favour with him, and was permitted to be in his Chamber when the Prieſts were in private with him.

Sir *Tho. Stringer.* Mr. *Mowbrary*, did you take an Oath of ſecrecy?

*Mowb.* Yes, I took it from Father *Ruſhton.*

*Thwing.* How long ſince did you change your Religion?

*Mowb.* Preſently after the Plot broke out.

*Thwing.* Who where you examined before firſt of all?

*Mowb.* Before Mr. *Lowther* and Mr. *Tindal.*

Mr. *Juſt. Dol.* Did you at the firſt accuſe him?

*Mowb.* I only charged Sir *Tho. Gaſcoyne*, Eſq; *Gaſcoyne*, my Lady *Tempeſt*, Sir *Miles Stapleton*, and Father *Ruſhton* in my

firſt,

firſt, and in my ſecond depoſition I accuſed Mr. *Thwing* and that was before Juſtice *Warcup*.

Mr. *Bar. Atkyns.* Did *Thwing* abſcond at the firſt?

*Mowb.* He was apprehended at the ſame time Sir *Tho. Gaſcoyne* was apprehended, and at his houſe.

Mr. *Juſt. Dol.* Well what ſay you to *Mary Preſſicks*?

*Mowb.* My Lord, I have nothing to ſay againſt her.

Mr. *Juſt. Dol.* Mr. *Thwing*, you have heard the Evidence, what do you ſay for your ſelf?

*Thwing.* I ſhall produce Witneſſes I was never with him at *Barnboro*; firſt I ſhall ſhew he never mentioned me when he firſt mentioned the Plot, and he never ſaid any thing againſt me, when he accuſed Sir *Tho. Gaſcoyne before* Mr. *Lowther* and Mr. *Tindal*.

*But Mr.* Bonithen *of Counſel for the King offering other witneſſes for the King againſt Mrs.* Preſſicks, *they were called, viz. Mrs.* Bolron *Senior*, *Mrs.* Bolron *Junior and* John Hutchinſon.

*Mr.* Bolron *Senior Sworn.*

Mr. *Juſt. Dol.* What do you know of *Preſſicks* the Priſoner at the Bar?

*Mrs. Bolr. Sen.* My Lord, ſhe ſaid ſhe knew of the Plot, and that *Pickering* was to have killed the King.

Mr. *Bonithen.* Do yon mean ſhoot the King?

Mrs. *Bolr.* Yes, I do.

Mr. *Juſt. Dol.* Where did ſhe tell you this?

Mrs. *Bolr.* At *Shippon*, my Lord.

Mr. *Juſt. Dol.* At his houſe (pointing to Mr. *Bolron?*)

Mrs. *Bolr.* Yes, and ſhe ſaid that ſhe was very ſorry, that *Pickering* did not do it, and that he had done it if it had not been for *Oates* and *Bedloe*.

Mr. *Juſt. Dol.* Was this the very ſame time, that Mr. *Bolron* ſpeaks of?

Mrs. *Bolr. Sen.* Yes, my Lord, and ſhe ſaid there would never be quiet in *England*, untill the *Roman* Catholicks had got the upper hand, and there was not a Proteſtant left in *England*; and ſhe ſaid, the King ſpent his money amongſt his Concubines, and his other Women, ſo that he was not worthy to be King, and ſhe hoped an Army of Catholicks would be raiſed to ſet up Popery.

Mr. *Juſt, Dolb.* That is indeed the principle of the Papiſts, and according to it, within forty years paſt they murdered 200000 innocent Proteſtants in *Ireland*: Did ſhe ſay it often?

Mrs. *Bolr.* Yes, ſeveral times, more than once or twice.

Mrs. Bolron *junior was then ſworn and examined.*

Mrs. *Bolr. jun.* I heard her ſay there was a conſpiracy carrying on about altering the Government, and eſtabliſhing the Roman Catholick Religion.

Mr. *Juſt. Dolb.* Where heard you this?

Mrs. *Bolr. jun.* In my Husbands houſe.

Mr. *Bar. Atkyns.* And what were her hopes in the Conſpiracy?

Mr. *Bolr.* My Lord, I cannot tell.

Mrs. *Preſſicks.* I ask Mr. *Bolron* when we had this diſcourſe?

Mr. *Bolr.* At ſeveral times, about *Candlemas*, 1678, and at *Eaſter* and *Whitſontide*, and ſeveral times after the Plot was diſcovered, we diſcourſed it ſeveral times at the porch at my houſe.

Mr. *Juſt. Dol.* Who was preſent?

Mr. *Bol.* My Grandmother.

Mr. *Juſt. Dol.* Where was it, Old-woman, that you heard theſe words?

Mrs. *Bol. Sen.* At *Shippon*, in the Hall porch, my Lord.

Mrs. *Preſſicks.* Had we any diſcourſe of Sir *Thomas*?

Mr. *Bolr. Sen.* None.

John Hutchinſon *was then Sworn.*

Mr. *Juſt. Dol.* Do you know any thing concerning Mrs. *Preſſicks.*

*Hutch.* May it pleaſe you, my Lord, I came to Mr. *Bolrons* houſe, and Mrs. *Preſſicks* askt me what news in our Country, and what became of the Papiſts; I told her ſome had given bond, and ſome were gone to priſon; then ſhe ſaid, we ſhall never be at peace until we are all of the *Roman* Catholick Religion; for the King is an Heretick and ſpends more money upon his Whores, then upon his Queen, and we ſhall never be at quiet until the Duke of *York* is King.

Mr. *Juſt. Dol.* What ſay you to this? you have ſeen him?

*Mary Preſſicks.* I never ſaw him but twice there.

Mr. *Juſt. Dol.* Where was ſhe when ſhe ſaid this?

*Hutch.* She firſt talkt with me in the Kitchen, and at the Hall door, as ſhe was juſt going into the Parlour, ſhe told me, that we ſhould never be at quiet until the Duke of *York* was made King.

Mr. *Juſt. Dol.* Mr. *Bolron*, when came ſhe to your Houſe?

*Bolr.* She came to our houſe about *Chriſtmaſs*, and ſtayed about ſix monthes there.

Mr. *Juſt. Dol.* Six monthes in your Houſe, then you are well enough acquainted with her?

*Bolr.* Yes, my Lord.

Mr. *Juſt. Dol.* Did you charge Mr. *Thwing* before the Juſtice?

*Bolr.* My Lord, I gave Juſtice *Tindal* only a ſhort note that Sir *Tho. Gaſcoyne* promiſed me a 1000 *l.* to kill the King, but what I had to ſay againſt *Thwing*, I gave to the King and Council.

*Thwing.* My Lord, this is malice to Sir *Tho. Gaſcoynes* Family to which I am related, it is out of revenge.

Mr. *Juſt. Dol*, It was a Family quarrel then.

*Thwing.* Yes, my Lord, this I can prove by ſeveral witneſſes.

Mr. *Juſt. Dol.* Call your witneſſes then.

*Thwing. Nathaniel Wilſon.*

*Mr. Juſt. Dol.* Mr. *Babington*, why don't you appear, we know well enough that you are Solicitor in the cauſe, call your witneſſes.

*Then* Nathaniel Wilſon *was examined.*

*Mr. Juſt. Dol.* Come, what is it you have to ſay?

*Nath. Wilſon.* I went to *Bolron* to look on a Cow that he had gifted for his coſin *Bargues* and deſired to have the Cow away, but he would not let me have her, without paying for her gift, ſo I tendered him his money and we went to talk in the houſe, and *Bolron* ſent for a groats worth of Ale, and askt me if I could tell any thing of Father *Ruſhton*, and I told him I could not, and he bid me keep his ſecrets, and he would give me more * *Earn.* then I could *addle in ſeven years, and he ſaid unleſs he could ſhed the blood of ſome of them, he ſhould get nothing.

*Mr. Juſt. Dol.* When was this?

*Wilſon.* This was about next *Michaelmas* a twelvemonth.

*Mr. Juſt. Dol.* This is quite other then you told yeſterday.

*Wilſon.* I had not time.

Wilſon *was a witneſs the day before for the Lady* Tempeſt.

*Thwing.* I deſire to know whether *Bolron* named me to Mr. *Lowther* as a plotter.

*Then Mr.* Lowther *was called.*

*Mr. Lowther.* I do not remember that Mr. *Bolron* named Mr. *Thwing* to me when he was before me.

*Mr. Juſt. Dol.* When did he come to make the diſcovery to you; give an account of it,

*Mr. Low*

Mr. *Lowther.* I think it was the *24th.* or *25th.* of *June* 1679 that he came to me, and he told me he had ſome ſecrets to impart to me, and he began to tell me a ſtory of the Jeſuites and Prieſts, what they deſigned againſt the government, becauſe the King did not keep his word with them, when he was beyond Sea, and then I called for my man and a Bible to take his examination, and ſaid, pray friend, be very careful what you do, for here your own concern is at ſtake as well as the Lives and fortunes of the Gentlemen you ſpeak againſt, and upon that he began to be very fearful and timerous, and lookt pale; whereupon I askt him, what that fear was for, it is ſaid he becauſe I have concealed it ſo long, and if that were upon you, it may be you would be as fearful as I am; Then *I* was going to take his *Information*, and he ſaid, *I* have done it before Mr. *Tindal*; why came you to me then, ſaid *I*? he ſaid Mr. *Tindal* deſired it; well ſaid *I*, Mr. *Tindal* and *I* are to meet to morrow and we will do it joyntly.

Mr. *Juſt. Dol.* Did he ſay he told you all he knew?

Mr. *Lowther.* He did not name *Thwing*, but ſaid he ſhould recollect more, and would go to *London* and give it in to the King and Council; and then *I* ſaid why may not we take it here as well as trouble them at *London*?

Mr. *Juſt. Dol.* It may be he thought it better to do it there.

Mrs. *Preſ.* He did not accuſe me before Mr. *Lowther.*

*Bolr.* Yes, my Lord, *I* did and a Warrant to take her.

Mr. *Lowther.* She was taken the ſame day Sir *Thomas Gaſcoyne* was taken.

Mr. *Juſt. Dol.* We will be juſt between you.

*Then the Priſoners called* Obediah *Moore.*

Mr. *Juſt. Dol.* Come tell your knowledg in this buſineſs.

*Moor.* I ſay that Mr. *Bolron* ſaid that Sir *Thomas Gaſcoyne* was not concerned in the Plot, nor none of his Family, and that he believed there was no Plot.

Mr. *Juſt. Dol.* When was this?

*Moor.* This was about *Candlemas* was Twelvemonths.

Mr. *Juſt. Dol.* He was then a Papiſt, but did not he tell you otherwiſe afterward?

*Moor.* In *Auguſt* after he told me he had but equivocated with me, in what he ſaid before, and that there was a real Plot, and if he had ſwore a thouſand lies he could have been forgiven them.

Then

Then *Stephen Thompſon* was called and examined.

*Stephen Thompſon.* Mr. *Bolron* was ſervant to Sir *Thomas Gaſcoyne*, and being in his Debt, Sir *Thomas* did Arreſt him, and he agreed with Sir *Thomas* to give him 60 *l.* and got me to be bound with him, and when the Plot came out, I thought *Bolron* being his ſervant might know, whether Sir *Thomas* had any hand in it, and if ſo that we were in no danger of being ſued, and I enquired of *Bolron*, and he ſaid, Sir *Thomas* was as ſackleſs of it, *as the Child that was unborn*; and on *Holy Thurſday* I went to him, and got him out on the backſide to Sir *Thomas*'s, and all along he told me, if he ſued him, he would do him a greater miſchief, and I pleaded earneſtly with Sir *Thomas* not to ſue the Bond, and he ſaid he would have his Money, but would ſtay a Fortnight, and I prevailed with him to give three Weeks time, that *Bolron* might go to ſell his Houſe at *New-Caſtle*, and in that time he went to *London* and Accuſed him of Treaſon; And as to Mrs. *Preſsicks*, I askt his Grandmother, what ſhe could ſay againſt her, and ſhe ſaid, alas, alas, I can ſay nothing to it, but *Bolron* ſaid ſhe muſt ſay ſo and ſo.

Mr. Juſtice *Dolben.* What mean you Friend by *ſo* and *ſo.*

*Thompſon.* It was about Sir *Edmondbury Godfrey*, and that the *King* was an *Whoremaſter*, and ſuch things.

Then *Zachary Thorpe* was called and Examined.

*Thorpe.* I met with Mr. *Bolron* in *Long-Acre* before the laſt Aſſizes, and askt him concerning Sir *Thomas Gaſcoyne* my Country-man, and he ſaid he was cleared, but God Damne the Jury they were Rogues, then he askt me if I had read *Harris*'s Intelligence of that day, and I told him, yes, and he then ask't me, if I had ſeen his Wive's name in it; he then told me, that he was going down to the Aſſizes at *York*, againſt my Lady *Tempeſt*, and ſaid God damne me I will ruine them, if one thing will not do it, another ſhall.

Mr. Juſtice *Dolben.* What are you, God damn me comes very nimbly out of your mouth?

*Thorpe.* I live at the *White Hart* in *Charter-house-lane*, with the Gentleman of the House, I marryed his Daughter.

Mr. Justice *Dolben.* And draw Pots of Ale, that's your Trade, how comes *Bolron* to talk thus to you, is he so mad a Fellow to talk thus to every one, this is not likely that he should thus Accuse himself to you, your Father in Law is a poor Ale-house-keeper.

Mr. Baron *Atkins.* Are not you a Papist?

*Thorpe.* No, My Lord, a Protestant of the Church of *England.*

Mr. Justice *Dolben.* Have you never been in *Newgate*, your *Lane* is full of such People, and your House suspected.

*Thorpe.* No, my Lord.

Mr. Justice *Dolben.* Come have you done?

*Thorpe. Bolron* came to my Lodgings at the *Plow* on *Holborn-Hill* before the last Assizes, and told me if I would Swear that *Peter Shipton* knew no harm by *Bolron*, he would do any thing for me.

Mr. Justice *Dolben.* This is a Fable, for *Bolron* bound *Shipton* over at the Sessions before the last Assizes.

*Bolron.* Yes, my Lord, it was for scandalous words against his Majesty.

*Thorpe.* He ask't me what *Shipton* was, I answered, he is an honest man for ought that I know, I have taken his own Bond, said *Bolron*, but I will have him from Court to Court, I will teach him to meddle with me.

Mr. Justice *Dolben.* How came he to speak to thee.

*Thorpe.* I know not why, but it was his discourse to me.

Mr. Baron *Atkins.* What acquaintance was there between you.

*Thorpe.* I have seen him several times in *Yorkshire.*

Mr. Justice *Dolben.* You live in *Charter-House-lane*, how came you together in *Long-Acre.*

*Thorpe.* I met him accidentally in the *Street.*

Mr. Justice *Dolben.* It is a wonderful thing, that he should meet one in the *Street* with whom he had very small acquaintance, and discover such things to him, as he did to you.

Then

Then *William Hardwick* was Examined.

*Hardwick.* I was to carry Mrs. *Preſsicks* before Juſtice *Lowther*, and *Bolron*'s Wife ſaid ſhe was ſorry for it, for ſhe believed her to be an honeſt Woman, and had been a good Neighbour amongſt them.

Mr. Baron *Atkins.* Who was ſorry?

*Hardwick*, Mrs. *Bolron.*

Mr. Baron *Atkins.* What did *Bolron* himſelf ſay?

*Hardwick.* He ſaid nothing to me, he was in another Room with his Grandmother.

Mr. Juſtice *Dolben* taking notice of *Thwing*'s ſpeaking to Mr. *Hobart*, demanded what he ſaid.

*Hobart.* My Lord, he ask't me, whether *Bolron* did not ſay that Sir *Thomas Gaſcoyne* offered him a 1000 *l.* I only ſay that he ſwore at Sir *Thomas Gaſcoyne*'s Tryal.

Mr. Juſtice *Dolben.* How doth it appear, what he ſwore there?

*Bolron.* I acquainted Mr. *Lowther*, and Mr. *Tindal* with it.

*Mary Walker* was called.

Mr. Juſtice *Dolben. Mary Walker*, what do you ſay?

*Mary Walker. Robert Bolron* came after Mr. *Thwing* was taken Priſoner, to my Miſtreſſe's.

Mr. Juſtice *Dolben.* Who is your Miſtreſs?

*Mary Walker.* Mrs. *Laſſell's*; and he asked me, if I knew Mr. *Thwing* to be a Prieſt, and I told him, No, my Lord, he told me that if I would ſwear that he was a Prieſt, he would give me 10 *l.* for he would be revenged of him for Sir *Thomas Gaſcoyne*'s cauſe; for he was near of kin to him, and he proffered me 10 l. again.

*Bolron.* Where were you, you were not here Yeſterday?

*Mary Walker.* I was in the Court yeſterday.

Mr. Juſtice *Dolben.* Where ſpoke he this?

*Mary Walker.* At Mr. *Laſſel's.*

Sir *Thomas Stringer.* My Lord, he was then ſearching for Preiſts at that Houſe, and it is improbable that he ſhould

en-

endeavour at that time to ſuborn *Thwing*'s Siſters ſervant.

Mr. Baron *Atkins*. Is Mrs. *Laſſell*'s of kin to Mr. *Thwing*?

*Walker*. Yes, my Lord.

Mr. Juſtice *Dolben*. Who can beleive he would come to *Thwing*'s Siſters-Houſe, to ſuborn her ſervant to be a Witneſs againſt Mr. *Thwing*?

*Walker*. Yes my Lord, I have Witneſs of it, both a Man and a Woman.

Mr. Juſtice *Dolben*. Where are they?

*Walker*. In Town.

Mr. Juſtice *Dolben*. That makes it more improbable that he would offer you 10 l. in the preſence of two Witneſſes to ſwear that Mr. *Thwing* was a Prieſt.

Sir *Thomas Stringer*. Let us ask her a Queſtion. Whether are you a Papiſt or No?

*Walker*. Yes, I am a Catholick.

Sir *Thomas Stringer*. Since it muſt be probable, that he would ask you ſuch a thing, and knew you to be a Papiſt; Is *Thwing* a Prieſt or no?

*Walker*. No Marry is he not.

Sir *Thomas Stringer*. Have you not heard him ſay Maſſe.

*Walker*. No, if I were to dye.

Mr. Juſtice *Dolben*. Indeed you are an excellent Witneſs.

Mr. *Legget* One of the Kings Meſſengers produced as a Witneſs by the Priſoners, was next Examined.

Mr. *Legget*. In *Auguſt* laſt, Mr. *Bolron* told me He would call his Grandmother in and examine her before me, and he then ask't her, if ſhe did not ſay, that ſhe knew ſuch and ſuch things, and ſhe ſaid, ſhe could not tell, but if ſhe did, 'twas true.

Mr. Baron *Atkins*. What was it he askt her?

*Legget*. About *Harcourt*, and I know not what, I took little notice of it, it ſeem'd to be a thing ſo Idle, that I went away: And meeting me afterwards ſaid, you thought my Grandmother knew nothing, but at the bar, when Sir *Tho. Gaſcoyne*

*Gaſcoyne* was tryed, they ſaid they never heard one ſwear a thing more plainly.

Mr. Juſtice *Dolben*. *Legget*, did not you deſire Money yeſterday of the Clerk of the Aſſizes as a Witneſs for the King?

*Legget*. Yes, my Lord.

Mr. Juſtice *Dolben*. Did you ſo? you are a fine Fellow.

Then one *William Bacchus* was Examined.

*Bacchus*. All that I can ſay is that I ſerved a Warrant upon Mrs. *Bolron* to go before Eſq; *Lowther*, and *Bolron*'s Wife and Grandmother ſaid, they could ſay nothing againſt Sir *Thomas Gaſcoyne*, nor any of the Family.

Mr. Juſtice *Dolben*. Well they ſay nothing againſt them now, but what did ſhe ſay againſt Mrs. *Preſsicks*?

*Bacchus*. She ſaid that *Mary Preſsicks* ſhould ſay that the *King* was an *Whoremaſter*, and maintained his Whores better then he did the Queen.

*Cuthbert Hamſworth* was then called.

*Hamſworth* being produced as a Witneſſe for Sir *Thomas Gaſcoyne* owned that he had been a Papiſt.

*Hamſworth*. My Lord, *Robert Bolron* did Swear revenge againſt my Lady *Tempeſt* for proſecuting a ſuit againſt him.

Mr. Juſtice *Dolben*. What is that to the matter in hand? do you know that he ſwore Revenge againſt *Thwing* and *Preſsicks*?

*Hamſworth*. No, my Lord.

Mr. Bar. *Atkins* (to the Priſoners) what have you more to ſay?

*Thwing*. My Lord, he ſaith, I was at *Barnbow-Hall*, 1677. I have Witneſſes to prove otherwiſe.

Mr. Baron *Atkins*. Call them then.

*George Twiſley* Groom to Sir *Thomas Gaſcoyne*.

*Twiſley*. Mr. *Thwing* was never at our houſe above a night or two in the year.

Mr. Juſtice *Dolben*. Whoſe houſe is your's?

*Twiſley*. Sir *Thomas Gaſcoyne*'s.

Mr. Juſt. *Dolben*. He was there but a night or two at a time.

*Twiſley*. No, and pleaſe your Lordſhip.

Mr. Juſtice *Dolben*. But was he there in 1677?

*Twiſley*. About a year or two ſince, I ſaw him there.

*Mr. Juſtice Dolben*. But how often in a 12 Months time?

*Twiſley*. Not above once or twice.

*Mr.* Baron *Atkins*. Did you never go out of your Maſters houſe in 1677 ?

*Twiſley*. I have, my Lord, but I was there both night and morning.

*Mr.* Baron *Atkins*. How do you know but he might be there in the time that you were not there ?

*Bolron*. And pleaſe your Lordſhip, this man was but the Groom.

*Twiſley*. I was the Groom, my Lord, and took the horſes.

*Mr. Juſtice Dolben*. But were you never abſent ?

*Twiſley*. No, my Lord, and he was not there above once or twice in the Year.

*Thwing*. Ask him what Company was then there ?

*Twiſley*. No Company at all, my Lord, when he was there.

*Mr. Juſtice Dolben*. Was not he there about *Eaſter* ?

*Twiſley*. No, not that I know of.

*Mr. Juſtice Dolben*. What time of the year was he there ?

*Twiſley*. About *Michaelmas*, not *Eaſter*.

*Mr.* Baron *Atkins*. How came you to take ſuch particular notice at what time men come, did you take an account of all the Gentlemen that came to Sir *Thomas*'s houſe, how often there, and when they came ?

*Twiſley*. There were none that ſtayed any time when they came thither.

*Mr.* Baron *Atkins*. What time of the year was he there ?

*Twiſley*. It was about a Month before *Michaelmas*.

*Mr. Juſtice Dolben*. You bring Witneſſes to ſtretch things even to impoſſibilities.

*Bolron*. He was drunk, my Lord, at *Leeds* the ſame Night the Conſult was.

Sir *Tho. Stringer*. Will you ſpeak Truth before Almighty God ?

*Twiſley*. Yes.

Sir *Tho. Stringer*. Pray then are you a Papiſt ?

*Twiſley*. No.

Sir *Tho. Stringer*. Were you never a Papiſt ?

*Twiſley*. Yes.

Sir *Tho. Stringer*. Have you heard Maſſe, at Sir *Tho. Gaſcoyne*'s when you were a Papiſt ?

*Twiſley*.

*Twiſley.* No.

Sir *Thomas Stringer.* That's very ſtrange, that you lived there and never heard Maſſe, and yet were a Papiſt.

*Twiſley.* Yes, I heard Maſs in his houſe, but not by this man.

Sir *Tho. Stringer.* How long have you been turned Proteſtant?

*Twiſley.* About 2 years.

*Thwing. Thomas Areton* did you ever ſee me at *Barnbow-hall.*

*Areton.* I have nothing for nor againſt him, I never ſaw him before in my life.

*Thwing.* Mr. *Mowbray* hath declared he never knew any thing of the Plot.

Mr. Juſtice *Dolben* To whom did he declare it?

*Thwing.* There is Witneſs of it, my Lord.

Mr. Juſtice *Dolben.* Call them.

*Thwing.* He Accuſed not me of the Plot.

Mr. Juſtice *Dolben.* He was no Proteſtant then.

*Thwing.* I never knew any thing of the Plot till I came from *London.*

Mr. Juſtice *Dolben.* Well if you have any more Witneſſes call them.

*Thwing.* Mr. *Cooper.*

*Joſeph Cooper.* I have nothing to ſay in this buſineſs about this Gentleman, it is concerning Sir *Thomas Gaſcoyne.*

*Thwing.* Yes he declared before theſe Witneſſes he knew nothing of the Plot.

*Cooper.* We were coming from *Atherton* Fair, and my Father began to diſcourſe with Mr. *Mowbray*, and ask't him, if he knew any thing of the Plot, that Sir *Thomas* was called to *London* for, he ſaid, he knew nothing of the Plot, and he thought Sir *Thomas* was guilty of no ſuch thing, for if he had, he ſhould have known it as ſoon as *Bolron*, and he was a Rogue and a Knave, for ſaying any ſuch thing.

Mr. Juſtice *Dolben.* When was this?

*Cooper.* It was about this time 12 month.

Mr. Juſtice *Dolben.* Were you upon the Road then?

*Cooper.* Yes.

Sir *Tho. Stringer.* Had *Mowbray* then made any diſcovery of the Plot?

*Cooper.* Yes, That was the reaſon we ask't him about it.

Mr.

Mr. Juſtice *Dolben.* Yeſterday (upon Lady *Tempeſt*'s Tryal) you ſaid, that *Mowbray* had not then made any diſcovery.

*Cooper.* Yes, my Lord, I mean *Bolron.*

Mr. Juſtice *Dolben.* Really methinks you that are Preiſts ſhould be more dexterous, my Lady *Tempeſt* managed her buſineſs much better, and had her Witneſſes in more readineſs.

*Thwing.* My Lord, I call upon the Witneſſes and they will not come in, I cannot help it.

*Edward Cooper ſen.* was then called.

*Edward Cooper.* I know nothing; I met Mr. *Mowbray* coming from *Atherton* Fair, and he ſaid he thought Sir *Thomas* was not guilty of the Plot.

*Thwing. Mr. Mowbray* declared for 8 or 10 months together in 77 he knew nothing of the Plot; call Mr. *Hobart.*

*Hobart.* I know nothing of it.

*Thwing.* I am innocent, I know nothing as I hope for Salvation.

Then *Iſabell Heyward* a Girle that lived with *Bolron* as a Servant, was called.

*Iſabel Heyward.* My Maſter and Miſtreſs fell out about going to *London*, and ſhe ſaid, ſhe would not go, and he ſaid he would make her go, and ſhe ſaid, if he did ſhe would Swear that what he had ſworn againſt Mrs. *Preſsicks*, was out of malice.

*Alice Dawſon* was next Examined.

*A. Dawſon.* The day after *New-Years* day was 12 month, Mrs. *Bolron*, ſaid ſhe was ſorry for nothing, but that her Husband had meddled with Mrs. *Preſsicks.*

Then Mrs. *Preſsicks* called for *John Pepper.*

Mr. Juſtice *Dolben.* What do you ſay to him Miſtreſs.

*Preſsicks.* I ask about my going to *Parlington* at *Whitſuntide.*

Mr. Juſtice *Dolben.* No it was at *Candlemas*, and they ſaid it was Cold Weather to ſit in the *Hall Porch.*

*Preſsicks.* It was alſo ſaid at *Whitſuntide.*

*John Pepper.* About *Whitſun-Munday* (my Lord) I went to *Barnbow*, and I met there with Mr. *Preſsicks*, and Mrs. *Preſſicks*; and he deſired me to tarry and carry his Wife to Mrs. *Harriſons* at *Parlington*, and ſhe and I went down to *Shippon*, and

and I carried her from *Bolron's* on *Whitſun-Munday* and ſtayed till *Thurſday*.

Mr. Juſtice *Dolben*. And what is all this to the purpoſe, ſhe was however as it was ſworn againſt her at *Shippon* at *Whitſontide*.

*Pepper*. This is all I can ſay my Lord.

*Zachary Thorpe* was again called by *Thwing*.

*Thorpe*. *Bolron* ſaid he was going to ſwear againſt my Lady *Tempeſt*, and if one thiug would not do another ſhould, and would have had me to give Evidence againſt *Shipton*.

Mrs. *Baynes* (Mother to Mr. *Bolron*) called.

Mr. Baron *Atkins*. What do you ſay Mrs. *Baynes*?

Mrs. *Baynes*. Indeed (my Lord) I know nothing of this, I know not *Thorpe*, *Shipton* I know, and he told me that if he had not fallen into my Lord of *Shrewbury's* ſervice, he and *Thorpe* would have turned Highway-Men.

Mr. *Babington* called by *Preſsicks*.

Mr. Juſtice *Dolben*. Can you ſay any thing for Mrs. *Preſſsicks*?

*Babington*. I can ſay no thing but what I ſaid yeſterday concerning Sir *Thomas Gaſcoyne*.

Mr. Juſtice *Dolben*. Can you ſay any thing for *Preſsicks*?

*Babington*. No my Lord, I can ſay nothing for Mrs. *Preſſsicks*, yes, thus much I muſt ſay that when I came to have the writings ſealed by *Bolron*, his Wife refuſed to Seal them without delivering up of the bonds. I told her, it would be an additional ſecurity to Sir *Thomas Gaſcoyne*, he ſaid he did beleive, that Mr. *Preſsick* and his *Wife* were his Enemies, and that they did inſtigate Sir *Thomas* to ſue him.

Mr. Juſtice *Dolben*. (To *Thwing*) Come what have you more to ſay?

*Thwing*. I have no Witneſſes to call, but I hope it will be conſidered what kind of Witneſſes theſe are, what lives they have led, they bring me in amongſt the reſt, we are all of a Family; I hope (my Lord) you will conſider that thoſe ill men that will, may take away an honeſt mans life unjuſtly.

Mr. Juſtice *Dolben*. I hear no Body ſpeak again their lives,

and this I muſt tell you, till men be convicted of ſome crime that may diſable them, you cannot take away their teſtimony.

*Thwing*. My Lord, Witneſſes ſhould be men of Credit and Reputation.

Mr. Juſtice *Dolben*. The Jury is to conſider of that.

Mr. Juſtice *Dolben*. Look you Gentlemen, theſe two Priſoners ſtand Indicted of High Treaſon, and it is for conſpiring the Death of the King, and other heinous Crimes; As Deſigning the Subverting the Government, and bringing in the Popiſh Religion.

Now the Witneſſes that have been produced againſt *Thwing*, are *Bolron* and *Mowbray*; and againſt *Preſsicks*, Mr. *Bolron*, Mrs. *Bolron* ſenior and junior, and one *Hutchinſon*, and the Evidence againſt *Thwing*, is one thing, and againſt the Woman quite another; there is no Evidence againſt her but what they heard her ſay others were to do, there is no Evidence of any action of hers, or that ſhe was preſent at any Conſultation, nor acting any thing there, but that ſhe ſaid *ſo* and *ſo*. Now Mr. *Bolron* and his Grandmother do both ſay that ſhe ſaid, *Pickering* was to have killed the King, and that ſhe was ſorry that he did not do it. That the Gun with which he ſhould have done it, was found, and ſhe was afraid that was the cauſe of his Death, and they all ſay ſhe ſaid, that it would be never well with *England*, till the Catholicks had got the upper hand, and the Duke of *York* were King. Now I muſt tell you, that my opinion is, that a bare ſaying of this doth not amount to High Treaſon, unleſs you do beleive from theſe words, that ſhe knew otherwiſe then by hearſay, that *Pickering* was to have killed the King, and that ſhe was Privy and Conſenting to the deſign of Killing the King, then ſhe is guilty of Treaſon, but if ſhe only knew it by hearſay, the bare knowledge and concealing of it will make her guilty of Miſpriſion of Treaſon; but knowing of it barely by Report doth not make her guilty of High Treaſon. My Brother will tell you his opinion herein. Now for Mr. *Thwing*, the Evidence againſt him is very home; for they both Swear againſt him one to one

meeting

Meeting, and the other to another, that he was preſent at their Conſulttaion to *Kill* the *King*, Subvert the Government, and to bring in the Popiſh Religion; that he did agree at the meeting to the *Killing* of the *King*, they do both Swear, and this they ſay was at Sir *Thomas Gaſcoynes*, and that at the ſeveral meetings there was a Liſt produced, but *Bolron* ſaith, that the Liſt when he was preſent was a Liſt of thoſe that were engaged towards the carrying on of the Nunnery; that which the other ſpeaks of, was a Liſt of thoſe that were engaged about the *killing* the *King*, about the whole deſign which was to be effected by *killing* the *King*, this he Swears, that *Thwing* did produce this Liſt; and *Mowbray* ſaith, that three or four Prieſts were preſent at that time, and that *Thwing* ſaid, the *King* was an *Heretick*, and Excommunicated by the Pope, and it was not only *lawful* but *meritorious* to kill *Him*. So that admitting this Evidence be true, it is a full Evidence of High Treaſon againſt him; here is an imagining the Death of the King, and here is an overt Act, here is a ſetting hands to it; ſo that if this be true, *Thwing* is guilty of High Treaſon. Now againſt this, they have produced many Witneſſes, and none of them doth go about to prove this impoſſible but only improbable, but one that is a Groom of Sir *Thomas Gaſcoyne's*, who ſaith, he was but once or twice that year there, and not at *Eaſter* but about *Michaelmas*, is that enough to anſwer the Teſtimony of theſe two Men, Gentlemen, for a Groom to take upon him, to ſay two years after who was at his Maſters Houſe, and how often, and what time of the year, is to me a very ſtrange thing; unleſs it were one that was never uſed to to come there: But this man, he ſaith, did uſe to come there, but that I muſt leave to you. The Reſt of the Witneſſes were the ſame that were Examined yeſterday. Firſt They inſiſt concerning Mr. *Lowther*, they ſay, that when Mr. *Bolron* firſt went to Mr. *Lowther*, he ſaid nothing of Mr. *Thwing*, but it appears, he ſaid then, that afterwards he might remember more, then the man was under a great Conſternation, and told him, the great and dangerous conſequences of having ſo long concealed it, was the occaſion of that diſ-

order

order upon him, but he ſaid, he ſhould remember more afterwards, and ſo he did; the reſt of the Witneſſes do all go this purpoſe, that either *Bolron* or *Mowbray* ſhould tell them at one time or other, they did know nothing of the Plot, nor againſt Sir *Thomas Gaſcoyne*; and ſome of them ſay, that it is out of Malice to Sir *Thomas*'s Family, for ſo *Thwing* would have it, he being his Nephew; that the Malice ſhould reach to Mr. *Thwing*; that they would have it, and ſomething to the ſame purpoſe they do offer againſt Mr. *Mowbray*. Now here is one *Walker*, that ſwears, that *Bolron* ask't her if ſhe knew *Thwing* to be a Prieſt, and offered her 10 l. to ſwear him a Prieſt, ſhe is a Servant of one Mrs. *Laſſel*'s, Mr. *Thwing*'s Siſter, he came to Mrs. *Laſſel's* to ſearch for Preiſts. It is ſomething ſtrange, that he ſhould offer to perſwade her to Swear againſt *Thwing*, who was Servant to his own Siſter, and at the time when he came to ſearch for Prieſts, the Truth of it is, the thing doth depend purely upon the Credit of Witneſſes. The Kings Witneſſes are upon their Oathes, but on the other hand the others are not on their Oaths, but Credit is to be given to what they ſay; if you conſider their Evidence and do find a clearneſs in their Teſtimony, which you muſt weigh, for certainly he that ſolemnly in the preſence of God will ſay a falſe thing, will alſo dare to Swear it, how far their Principles will carry them I know not, I can ſee nothing but *Bolron* and *Mowbray* are good Witneſſes, I do not ſee but what they ſay, is coherent, and that they ſpeak the Truth: And if you beleive what they ſay to be true, then *Thwing* is guilty of High Treaſon, but if do not beleive, what they ſay is true, but out of malice you muſt acquit him. They do object the other Juries did not beleive *Bolron* and *Mowbray*, the caſe with the Priſoners at the Bar is not the ſame with theirs, but you are to give your Verdict according to the Evidence that you have heard, and according to your Conſciences.

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*Mr. Baron* Atkyns. *Gentlemen of the Jury, I ſhall be very ſhort; The Crimes that are laid in this Indictment, and charged upon theſe perſons, are the deſigning to take away the Kings Life, Subverting the Government, and Introduing Popery; you obſerve the nature of the Evidence which hath been given againſt the Priſoners. And firſt, I ſhall ſpeak but one word concerning* Mary Preſſicks; *I do fully agree with what my Brother hath ſaid; you do take notice, that the Evidence that hath been given againſt her, hath been what came out of her own mouth; the Witneſſes are Mr.* Bolron *and his* Grandmother, *and likewiſe one* Hutchinſon: *Mr.* Bolron *ſaith, ſhe did tell him that* Harcourt *was her Confeſſor, and that he had engaged her in the Plot; ſhe likewiſe told him that* Pickering *was to kill the King, that the Gun was found with him, and was the cauſe of his death; this is ſome Evidence of High-Treaſon, I muſt leave it to you of what weight it is, and how far by this you will conclude her privy to the Plot: It is true, were ſhe an Actor in it, it is plain, ſhe is guilty of High-Treaſon. As to what* Hutchinſon *ſaid, that ſhe told him, we ſhould never be at peace, till we were all of the* Roman-Catholick *Religion, and the Duke of* York *was made King, that will not amount to High-Treaſon: This I take to be the ſum of the Evidence againſt her. Then as to* Mr. Thwing, *there are two Witneſſes that have ſworn againſt him, that is Mr.* Bolron *and Mr.* Mowbray: Bolron *tells you, that in* 1677, *there came to him ſeveral Prieſts, to his Houſe at* Shipton; *and amongſt the reſt* Thwing *the Priſoner, who askt him how he ſtood affected to the* Roman-Catholick *Religion, and he then expreſt his zeal for it, and they thought him a perſon fit to impart their ſecrets to; then he ſaith, that in* 1677 *there was a Meeting at* Barnbow-Hall, *which is Sir* Thomas Gaſcoyne's *Houſe, and at that Meeting there were Sir* Thomas Gaſcoyne, *Eſquire* Gaſcoyne, *Sir* Miles Stapleton, *and amongſt the reſt this Priſoner* Thwing; *and that there was a Conſult held at that time, and Deſign of killing the King, and that this perſon did agree to it, and declared, that if they ſhould miſs that*



*oppor-*

*opportunity, they ſhould never have ſuch another; and that it was for the good of the* Roman-Catholick *Religion. The next was* Mowbray, *and he ſaith to the ſame effect, that in* 1676. Thwing *and others declared they did deſign to kill the King, for he was an Heretick, and Excommunicated, and had not kept his word with the Jeſuits, and therefore they thought it not only Lawful, but a Meritorious Act: And this is what both* Bolron *and* Mowbray *do teſtifie; this they ſwear poſitively againſt the Priſoner; if you believe what they have Sworn to be true, I muſt declare that it will amount to High Treaſon. You are likewiſe to conſider the Evidence he hath produced for himſelf; the Law, 'tis true, doth not allow us to give them an Oath; yet if they be Perſons of credit and honeſty, it is Evidence which you are to conſider of. The Priſoner hath called ſeveral Witneſſes: The firſt was* Nath. Wilſon, *I ſhall not repeat what he ſaith, being of no import.* Thwing *ſaith Mr.* Bolron *was before Mr.* Lowther *and Mr.* Tindall, *two Juſtices of Peace, who did take his Oath, and then he ſaid, he did not Accuſe him of the Plot at that time; and by that would infer, that he would have ſaid what he had againſt him, as well then as now, if he had had any thing whereof to Accuſe him: But* Bolron *anſwers, He did declare to theſe two Gentlemen, he was not able at that time to Recollect his whole Knowledge, but gave it in afterwards to the King and Council: The next are* Moore *and* Thorpe, *the effect of their Evidence is to ſtrike at the Reputation of* Bolron, *that it was an Act of Malice and Revenge; for they ſay, that* Bolron *told them, that Sir* Thomas *was innocent, and knew nothing of the Plot.* Thorpe *ſaith, he met with* Bolron *in* Long-Acre, *and that he told him, that though Sir* Thomas *were quitted, he would ruine ſome of them: I ſay, theſe things, if true, are, ſome Evidence of a Malicious Proſecution; but it ſeems ſomething improbable that* Bolron *ſhould ſo openly make a diſcovery of himſelf, when it appears he was not greatly acquainted with them, eſpecially with* Thorpe.

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*There are ſeveral other Witneſſes that ſpeak much to the ſame purpoſe. Gentlemen, In matters of Fact, which depend upon the Teſtimony of Witneſſes, the Credit of the Witneſſes is greatly to be conſidered; if you believe what* Bolron *and* Mowbray *have both poſitively Sworn, the Treaſon is plain; you muſt take all the parts of your* Evidence *together, you muſt weigh all the Circumſtances; you muſt, as I ſaid before, conſider the Credit of the Witneſſes of the one ſide and of the other, and by theſe ſteps you will be the better guided in the giving of your Verdict. I muſt leave it to you: and I pray God direct you therein.*

The Jury having withdrawn, after ſome Conſultation together, brought in their Verdict, That *Thomas Thwing* was Guilty, and *Mary Preſſiks* Not-Guilty.

*Auguſt* the 2. 1680. *Thomas Thwing* being brought to the Bar, the Clerk ſpoke thus:

*Clerk. Thomas Thwing* hold up thy Hand, thou haſt been Indicted, that thou as a falſe Traytor didſt Conſpire the death of the King, *&c.* and thereof haſt been found Guilty, what canſt thou ſay wherefore Judgment of Death ſhould not be pronounced againſt thee?

*Thwing.* My Lord, as I am now upon my life, I know nothing of theſe things, in the leaſt, that theſe men have ſworn againſt me; and on the other ſide, I ſay, that before Sir *Thomas Gaſcoyne* had his Tryal theſe Men ſaid nothing againſt me, ſo I hope your Lordſhip will take it into conſideration.

Mr. *Juſtice Dolben.* For your Innocency the Gentlemen of the Jury are Judges of that, and they have found you Guilty, ſo that it is not in my power either to acquit or condemn you, I am only to paſs Sentence according to that Conviction. If you have any thing to ſay wherefore Judgment ſhould not be pronounced, I am ready to hear you.

*Thwing.* All that I can ſay is to declare my innocency, and that theſe men are of no credit and reputation.

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It is very hard I ſhould be Guilty, and none of the reſt that were Arraigned for the ſame Crimes.

Mr. *Juſtice Dolben.* No, it is not impoſſible; it is poſſible you may be Guilty, and the reſt Innocent.

*Thwing.* For my part, I told your Lordſhip that I was but once or twice in a Year at Sir *Thomas Gaſcoynes*, being my Uncle; and I do proteſt I know nothing of the Conſult theſe men do charge me with.

Mr. *Juſtice Dolben.* You ſay one thing, they ſwear another; and for ought I know they are honeſt men; they are lawful men, and not convicted in the main: for I do believe there were many great and dangerous Conſults held at Sir *Thomas Gaſcoynes* by ſeveral Perſons, and that there have been many horrid and treaſonable things acted there. You have been Indicted for High-Treaſon, the higheſt Treaſon that ever any Subject was guilty of, for attempting to Kill the King, for reſolving ſo to do upon deliberate advice and conſultation, and this for no other end or purpoſe, but that you might have your Religion ſet up; for that was your Deſign, to change this Religion here, and to ſettle Popery in *England*; and the better to bring that to paſs, you thought to take away the Kings life, knowing you could not otherwiſe accompliſh it. You are I am ſatisfied a Prieſt of the *Romiſh* Church, therefore all that I can ſay to you in reference to your future ſtate you will not value, for you account me an Heretick as you do the King, and I am content to be ſo eſteemed in ſo good Company, therefore I ſhall wave it. As you are a Gentleman I will give ſome reſpect to you, and I will not paſs Sentence on you among the reſt of the Priſoners that are found Guilty of Felony and Murder, but will do it by your ſelf.

***The Law doth command the Court, and the Court doth award,*** That you be carried from hence to the place from whence you came, that

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is the Prison, and from thence you are to be drawn to the place of Execution; you are there to be hanged by the Neck, you are to be cut down before you are dead, and your Intrails are to be taken out of your Body, and thrown into the Fire before your face, and your Head is to be parted from your Body, and your Body separated into four Quarters, and your Head and your Quarters are to be disposed according to the Kings pleasure: And the Lord have mercy on your Soul.

Thwing. *Innocens ego sum.*

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## *The Proceedings against Sir* Miles Stapleton, *Baronet.*

SIR *Miles Stapleton*, Baronet, was Indicted at a Sessions of *Oyer* and *Terminer* in the *West-Riding* of the County of *York*, and the Indictment was removed by *Certiorari* to the *Kings-Bench*, where Sir *Miles Stapleton* having been Arraigned and pleaded to the same Not-Guilty, was sent down by *Nisi prius* to be tryed in the County of *York*.

*The Indictment was*, For that he as a false Traytor against our most illustrious and excellent Prince, King *Charles* the Second, his natural Lord, not having God before his eyes, nor weighing the Duty of his Allegiance, but by the instigation of the Devil being moved and seduced, the cordial Love, and true due and natural Obedience, which true and faithful Subjects of our said Lord the King should bear to him, and of right are bound to bear, wholly withdrawing, devising and with all his pow-

et intending to disturb the peace and common tranquility of this Realm, and to bring and put our said Lord the King to death and final destruction, and the true Worship of God in this Kingdom by Law established and used, to alter to the Superstition of the Church of *Rome*, and to move and stir up War against our said Lord the King in this Realm, and to subvert the Government of this Kingdom, the 30th day of *May*, in the 31th year of our said Lord the Kings Reign, at the Parish of *Barwick* in *Ellmet* in the said County of *York*, in the West-Riding of the same County, with divers other false Traitors unknown, did traiterously compass, imagine, and intend the Death and final Destruction of our said Lord the King, and to change and alter and wholly to subvert the Ancient Goverment of this Realm, and to depose and wholly to deprive the King of the Crown and Government of the said Kingdom, and to root out the true Protestant Religion: And to fulfill and accomplish the same most wicked Treasons and trayterous Imaginations and Purposes, the said Sir *Miles Stapleton*, and other false Traytors unknown, on the said 30th day of *May* in the 31th year aforesaid, with Force and Arms, at the Parish of *Barwick* aforesaid, advisedly, devillishly, maliciously and trayterously did assemble, unite and gather themselves together, and then and there did devillishly, advisedly, maliciously, craftily and trayterously consult and agree to bring our said Lord the King to death and final destruction, and to depose and deprive him of his Crown and Government, and to introduce and establish the Religion of the *Roman* Church in this Realm; and the sooner to fulfill and accomplish the said most wicked Treasons and trayterous Imaginations and Purposes, the said Sir *Miles Stapleton*, and other unknown Traytors, then and there advisedly, maliciously and trayterously did further consult and agree to contribute, pay, and expend divers large Sums of Money to divers of the Kings Subjects, and other persons unknown, to procure

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thoſe perſons unknown trayterouſly to kill our ſaid Lord the King, and to introduce the *Roman* Religion into this Realm, againſt the Duty of his Allegiance, againſt the Peace of our ſaid Lord the King his Crown and Dignity, and againſt the Form of the Statute in ſuch caſe made and provided.

The Jury being called, Mr. Juſtice *Dolben* took notice to Sir *Miles* that there were but few appeared, and therefore told him he would do well not to challenge too many of them: Sir *Miles* thereupon ſaid he ſhould not challenge Many; and enquired whether thoſe that ſerved on the Lady *Tempeſts*, Mr. *Thwings*, and Mr. *Inglebyes* Juries did now appear? And the Judge anſwered him, that if they did, care ſhould be taken that they ſhould not be ſworn.

Then the Jury being called to the Book, Sir *Miles* challenged theſe, *viz.*

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| Sir *David Fowles*, Barronet. | *Robert Bell*, Gen. |
| *John Eaſtoft*, Eſquire. | *John Dixon*, Gen. |
| *William Bethell*, Eſquire. | *Thomas Wood*, Gen. |
| *William Caley*, Eſquire. | *Robert Turner*, Gen. |
| *Towers Driffield*, Eſquire. | *John Beckwith*, Gen. |
| *Marmad. Trueman*, Eſquire. | *Sim. Warrener*, Gen. |
| *John Wright*, Eſquire. | *Gervaſe Hatfeild*, Gen. |
| *John Green*, Eſquire. | *John Coates*, Gen. |

And only two of the Jury returned, *viz.* { *Thomas Fletcher*, Gen. & *Robert Gudgeon*, Gen. } were ſworn.

Mr. Juſtice *Dolben*. Sir *Miles* I ſee you muſt ſtay till the next Aſſizes, for you challenge ſo many, here will not be a Jury gotten.

Sir *Miles*. If your Lordſhip pleaſe, I ſhall be content, and do deſire the Jury may be called that ſerved the firſt day; nay all the three Juries if you pleaſe.

Mr. Juſtice *Dolben*. That is, you would chuſe all of one way, and leave the others; where is the indifferency of the Tryal then? But come call them, I cannot deny it.

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The three Juries called, and five challenged: *viz.*

*Thomas Worsley*, Esquire, *Samuel Tenant*, Gen. *Robert Bushell*, Gen. } *Roger Prettwell*, Gen. *Roger Lee*, Esquire,

And these sworn: *viz.*

Sir *Thomas Pennyman*, Baronet. *Thomas Rooksby*, Esquire, *William Stone*. *Thomas Conyers*. } *Christopher Tankerd*, Esquire, who was excepted against by Sir *Tho. Stringer*, as one that disparaged the Evidence of the Plot, and called his Dogs by the Names of *Oates* and *Bedloe*; which the Judge allowed to be a good Exception, but there being no Witnesses in the Court to prove it, he was sworn.

Mr. Justice *Dolben*. Sir *Miles*, you must stay till next Assizes, we have not a full Jury.

Sir *Miles*. Here are Gentlemen in the Court, your Lordship may take whom you please.

Mr. Justice *Dolben*. I cannot do it without the Kings Counsel move for a *Tales*, which as this case stands they will not do. And so he was remanded to Prison, and *Remanet pro defectu Juratorum* entred upon the Record.

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A Reprieve being obtained for Mr. *Thwing*, he remained Condemned in the Castle of *York* until about the middle of *October*. Mr. Justice *Dolben* attended his Majesty in Council, and gave a full Account of the several Tryals, and of his satisfaction in the Evidence. Whereupon an Order of Council was made for the Execution of Mr. *Thwing*, and upon the 23. of *October*, according to the Sentence, he was Drawn, Hanged, and Quartered at *York*, having first protested his Innocency of all that was sworn against him, but gloried that he was a Priest, and had performed the Priestly Function about 15 years, and desiring all true Catholicks, if any such were there, to pray for him, and begging God to bless and preserve the King, his Queen, the Duke of *York*, and all other good Christians, he yielded himself to the Executioner.

*FINIS.*

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